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May 16, 2012

Via ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Lowenbein v. Associated Creditors Exchange, Inc., 12 CV 1479 (BMC)

Dear Judge Cogan:

We are counsel for defendant Associated Creditors Exchange, Inc. and write in response to plaintiff's letter to the Court from earlier today. Plaintiff appears to be writing to the Court with respect to the Court's Mandatory Requirements for Initial Status Conference, issued on March 27, 2012, and the submission of a joint letter. He makes reference to a "position statement," but it is not clear to what that is referring. As counsel acknowledges in his letter, I am happy to provide my client's portion of the joint letter. For reasons that are also not clear, counsel appears to be unwilling to send a draft of the joint letter to me, as is his responsibility, so that I can include my client's defenses, as required under the Court's March 27th Requirements.

The Court should also be aware that my client has not answered the complaint yet and its answer is not due until June 18. As a result, I am still in the early stages of my investigation of the allegations raised by plaintiff of a violation of the Fair Debt Collection Practices Act. As counsel represents, we have no objection to adjourning the initial conference. Of course if the Court prefers to adjourn it until after we have answered the complaint that is certainly acceptable as well.

Respectfully submitted,

GORDON & REES LLP

/s/ Ronald A. Giller
Ronald A. Giller

cc: Adam J. Fischbein, Esq., counsel for plaintiff